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| 10/059,325 | 01/31/2002 | Hideki Akiyama | 0505-0949P | 5566 |

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| EXAMINER |
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TORRES, MELANIE

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| ART UNIT | PAPER NUMBER |
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3683

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/059,325

Applicant(s)

AKIYAMA ET AL.

Examiner

Melanie Torres

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-11 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11 and 14-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

125

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claim 23 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 23 recites the limitation "the shock absorbing body" in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 9 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theobald in view of Martinez et al.

Re claims 1, 9, and 23 Theobald teaches a shock absorbing structure (12) for a two-wheeled vehicle including a shock absorbing member projecting from a vehicular body (7), wherein shock is absorbed by crashing the shock absorbing member comprising a front end of the shock absorbing located in front of a front wheel (2), an upper end of the shock absorbing member located at such a position that the upper end of the shock absorbing member does not block a forward viewing area for the driver, a

Art Unit: 3683

center of a leading end contact surface of the shock absorbing member located at a position higher than a vertical position of a center of gravity of both the vehicle and the driver and wherein right and left side surfaces of the shock absorbing member are offset to a center of a vehicular body from right and left side surfaces of the vehicular body, wherein the upper end includes a forward section with an inclined upper surface for permitting the forward viewing area of the operator to be unobstructed. However, Theobald does not teach wherein the shock absorbing member includes a plurality of reinforcing ribs arranged to extend at substantially right angles to the shock to be absorbed, wherein the lower ends of the ribs are exposed, and the upper ends of the ribs are fixed to the top wall. Martinez et al. teach a shock absorbing member including a plurality of reinforcing ribs (9) arranged to extend at substantially right angles to the shock to be absorbed, wherein the lower ends of the ribs are exposed, and the upper ends of the ribs are fixed to the top wall (4). The slots (12) are deemed by the examiner to meet the limitation "wherein the lower ends of the ribs are exposed." (See figures 1 and 2B). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the reinforcing ribs of Martinez et al. in the shock absorbing structure of Theobald in order to provide additional impact absorption of the apparatus.

Re claim 23, Theobald as modified teaches wherein the inclined upper surface of the top wall causes reinforcing ribs at a forward end of the shock absorbing member to have a height that is shorter than the reinforcing ribs at the rear of the shock absorbing

Art Unit: 3683

member. Theobald teaches an inclined upper surface of the top wall and as combined with Martinez et al. would teach shorter reinforcing ribs.

4. Claims 2, 6, 10, 15 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theobald in view of Martinez et al. and further in view of Ichikawa et al.

Re claim 2, 6, 10, 15 and 18-20, Theobald as modified does not teach wherein the shock absorbing member is mounted on a front cover. Ichikawa et al. teaches wherein a shock absorbing member is mounted on a front cover (73). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the shock absorbing member on the front cover to provide additional protection to the driver.

Re claims 18-20, Theobald shows a convex wall (see element 12) similar to that shown by applicant in Figure 1. The concave rear wall is interpreted as the rear wall (10) of Martinez combined with the side walls (3) therefore creating a concave rear wall.

5. Claims 7, 16, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theobald in view of Martinez et al. and Ichikawa et al.

Re claims 7, 16, 21 and 22, Theobald as modified does not teach wherein the plurality of reinforcing ribs form substantially triangular shapes within each of the plurality of sections. It would have been obvious to modify Theobald by having

Art Unit: 3683

triangular reinforcing ribs since applicant has not disclosed that having the specific shape solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a variety of different shapes as is well known in the art. (e.g. Martinez et al., Column 4, lines 17-19)

Re claims 21 and 22, Theobald as modified above teaches wherein the plurality of reinforcing ribs are arranged to form spaces having cross sections that are substantially triangular shaped and trapezoidal shaped as a structure with triangular shapes would inherently contain trapezoidal shapes when two triangles are viewed in combination to the same extent as applicant's invention.

6. Claims 3, 5, 11, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theobald in view of Martinez et al. and Ichikawa et al. and further in view of Casse.

Re claims 3, 5, 11, 13 and 14, Theobald as modified does not teach wherein the plurality of reinforcing ribs includes ribs with partially thinned sections for facilitating the absorption of shock or wherein the ribs are bilaterally symmetric. Casse teaches wherein the plurality of reinforcing ribs includes ribs with partially thinned sections (e1) for facilitating the absorption of shock and wherein the ribs are bilaterally symmetric. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the partially thinned sections of Casse in the invention of

Art Unit: 3683

Theobald since it is well known that such a construction facilitates impact absorption.

(See Abstract)

7. Claims 8, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Theobald as modified in view of Brumby.

Re claims 8, 16 and 17, Theobald as modified does not teach a shock absorbing member formed from resin. Brumby teaches a shock absorbing member (11) formed from resin. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have formed the shock absorbing member of Theobald from resin as taught by Brumby since it is well known in the art that impact shock absorbers are formed from resin for its molding properties.

8. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Theobald in view of Casse.

A shock absorbing structure for a two-wheeled vehicle including a shock absorbing member projecting from a vehicular body, wherein shock is absorbed by crashing said shock absorbing member, comprising a front end of said shock absorbing member (12) located in front of a front wheel or in the vicinity of said front wheel (2); a top wall of said shock absorbing member located at such a position that the top wall of said shock absorbing member does not block a forward viewing area for a driver, the top wall having a forward section with an inclined upper surface for permitting an operator to have a forward viewing area that is not obstructed; a center of a leading end

Art Unit: 3683

contact surface of said shock absorbing member located at a position higher than a vertical position of a center of gravity of both said vehicle and said driver; and right and left side surfaces of said shock absorbing member offset to a center of a vehicular body from right and left side surfaces of said vehicular body. However, Theobald does not teach wherein said shock absorbing member includes a plurality of reinforcing ribs formed for absorbing a shock, wherein some of said plurality of reinforcing ribs includes ribs with partially thinned portions for facilitating the absorption of a shock. Casse teaches wherein said shock absorbing member includes a plurality of reinforcing ribs formed for absorbing a shock, wherein some of said plurality of reinforcing ribs includes ribs with partially thinned portions for facilitating the absorption of a shock. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided a plurality of reinforcing ribs formed for absorbing a shock wherein some of the plurality of reinforcing ribs includes ribs with partially thinned sections of Casse in the invention of Theobald since it is well known that such a construction facilitates impact absorption. (See Abstract)

Response to Arguments

9. Applicant's arguments with respect to claims 1-3, 5-11 and 14-20 have been considered but are moot in view of the new ground(s) of rejection. However, Applicant argues wherein Theobald in view of McFadden et al. and Ichikawa et al. do not teach a concave rear wall and a convex front wall. Theobald shows a convex wall (see element 12) similar to that shown by applicant in Figure 1. The concave rear wall is interpreted

Art Unit: 3683

as the rear wall (10) of Martinez combined with the side walls (3) therefore creating a concave rear wall. Therefore, this limitation is met.

Applicant further argues wherein Casse does not teach wherein "some of the plurality of reinforcing ribs includes ribs with partially thinned portions for facilitating the absorption of a shock. The examiner feels that applicant's arguments are more specific than the claim language. It is the examiner's position that a combination of adjacent portions (e and e1) can be interpreted as a rib and, therefore, only a portion of the rib is thinned. Therefore, the rejections are maintained and a rejection of new claim 24, which also includes this limitation, has been applied.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 3683

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melanie Torres whose telephone number is (571)272-7127. The examiner can normally be reached on Monday-Friday, 6:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bucci can be reached on (571)272-7099. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MT
April 27, 2005

Melanie Torres
4/27/05